

### **Ecology's Budget for Supporting the Work of Boards**

During the 1999-2001 Biennium, Ecology was appropriated \$290,000 to provide support for the work of Water Conservancy Boards. Ecology expended most of these funds on staff (1.8 FTE) that developed operating rules for boards, provided training and technical assistance, and reviewed and made final decisions on water right change applications processed by boards.

For the 2001-2003 Biennium, this base level of funding for conservancy boards was carried forward. Additionally, Ecology received a significant new appropriation for processing water right change applications (\$6 million and 27 FTEs).

A portion of this funding was allocated to support the work of conservancy boards. In total, the Ecology spending plan for the 2001-2003 Biennium includes 3.0 FTEs and a direct cost of about \$365,000 for conservancy board training, technical assistance and review of boards' decisions.

Ecology does not anticipate that the conservancy board related workload would exceed the current level of effort and expenditure. However, if the workload does begin to exceed this level, Ecology will assign additional staff resources from its own water rights change processing staff to fill the gap.

This approach is justifiable because conservancy boards are also processing water right change applications.

### **Education of Board Members**

Ecology held 9 four-day training sessions for new board members around the state between November 2000 and October 2002, training about 47 board members and county support staff. Additional training sessions are planned for new appointees as original appointees' terms expire. Commissioners are appointed for staggered six-year terms, so training for new appointees is spread over multiple years.

Ecology expects the rate of adding new boards to diminish significantly compared to the period from 1999 through 2001. This should tend to diminish the effort required for Ecology to approve and train members of new boards. However, amendments to the law in 2001 allow a county to appoint either three or five members to a board. Previously only three members could be appointed.

If a significant number of counties were to decide to increase membership from three to five, the need for training of new board members would increase accordingly. So far, only Klickitat, Lewis, Okanogan, Thurston, and Whitman Counties have elected to increase the number of board members.

## Water Conservancy Board Funding Assessment

Ecology's conservancy board operating rules require that board members participate in at least one day of continuing education annually. Ecology intends to continue to sponsor continuing education workshops about twice yearly.

These workshops will cover any changes in statutory and case law as well as any new rules and procedures regarding water rights processing. These sessions also give board members and Ecology staff who work with the boards an opportunity to share their experiences and learning with one another.

### Technical Assistance

Amendatory legislation passed in 2001 (ESHB 1832) requires Ecology's director to assign a representative of the department to provide technical assistance to each board.

If requested by the board, the representative is to work with the board as it reviews applications, prepares records of decision and considers technical and legal factors affecting the decision. Ecology has designated the technical assistance representatives for each board.

Boards vary considerably in the amount of technical assistance they want and need from the department. So far, Ecology has generally been able to meet all technical assistance requests. One exception occurred for several months in 2002, when they were unable to meet all technical

assistance requests due to a retirement at the Spokane regional office and the need to train new water rights processing staff.

### Records of Decision Review

To date, conservancy boards have produced 105 decisions that have been forwarded to Ecology for review and a final decision. See Appendix A for details on these decisions.

Due to uncertainties regarding conservancy board authorities that were finally clarified by legislation in 2001, some boards were reluctant to become very active. Now that the law has been clarified, Ecology expects boards to increase the number of records of decision.

However, Ecology does not believe that boards will produce more records of decision than Ecology has capacity to review in the foreseeable future due to the fact that boards consist of volunteer members and do not work full time.

Additionally, boards charge application review fees ranging from several hundred to a thousand dollars, which also tends to limit the number of applicants opting to apply through boards. In contrast, the statutory fees charged by Ecology for change applications are limited to twenty dollars for a small use to perhaps several hundred dollars for a very large use.

## Conservancy Boards' Views

At the request of the Office of Financial Management, Ecology solicited the views of all the conservancy boards regarding whether they believe they are receiving adequate support from the department.

Ecology received responses from 15 of the 21 boards and OFM contacted three additional boards for a total of 18 responses. Those responses are provided in Appendix B. Generally the boards that responded appear to be satisfied that they are receiving adequate support from Ecology.

Two boards have raised concerns about delayed response to technical assistance requests, but newly hired additional staff should reduce this delay. In addition, any problems with boards not receiving stable or consistent assistance should

be remedied by the assignment of an individual staff contact person for each board.

## Conclusion

It appears that Ecology currently has sufficient resources available to provide the necessary training and technical assistance for conservancy boards and the review of conservancy board decisions. If the workload begins to exceed the capacity allotted to this activity by Ecology, the department has sufficient resources and flexibility to temporarily assign additional water rights staff to the review of boards' records of decision. Thus, the department should be able to avoid failing to render a final decision within the allowed 45 day time frame.